

REMARKS

Applicant has carefully reviewed and considered the Final Office Action mailed on June 10, 2004, and the references cited therewith.

No claims are amended or added; as a result, claims 3-10, 12-25, and 27-48 are now pending in this application. Please charge deposit account 502931 any fees required.

The Examiner withdrew claims 22-25, 31-36, and 41 as being drawn to a non-elected species, there being no allowable generic or linking claim. Applicant respectfully traverses, and traversed before. Claim 41, being dependent on claim 40 should be considered as claim 40 appears in condition for allowance. Applicant respectfully submits that claim 40 is generic, linking, and allowable. Applicant further respectfully submits that new means-plus-function claims 43 and 46 are generic, linking, and allowable. While 40-42 were added after the restriction requirement, claim 40 is within the elected species, and provides a linking claim between the claims withdrawn by the Examiner and the elected species. New claims 43-45 provide a means-plus-function set of claims, 46-48 provide another means-plus-function set of claims, wherein independent claims 43 and 46, and dependent claim 45 and 48 are also within the elected species and each provides a further linking claim between the elected invention and the withdrawn claims.

Applicant respectfully submits that the linking claims are generic for both species, and are allowable over the cited art, and thus the withdrawn claims should be reconsidered and allowed. Applicant respectfully requests reconsideration and allowance of these claims.

§112 Rejection of the Claims

Claims 12, 20, 21 and 40 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses.

Applicant traverses the Examiners assertion that it is not clear how moving trays in the short dimension shortens the distance traveled. Applicant submits that the Examiner's continuing assertion that this (i.e., moving the trays in the direction of the short dimension or

perpendicular to the longer dimension provides the advantage of shortening the distance needed to travel to move the current tray out of the flipper and the next tray into the flipper) is not clear is further and explicit evidence that the invention as claimed is NOT OBVIOUS. If trays are, for example, 20" long and 10" wide, then a tray can be moved as little as 10" to get the tray out of the flipper if moving in the short dimension, but must be moved 20" if moving them in the long dimension. The time needed, for example, can be one second moving the tray in the direction of the sort dimension at an average of 10" per second, but will be 2 seconds if moving the tray in the long dimension. If it were attempted to move the tray faster, the parts could be jostled out of place or out of the tray.

Applicant respectfully submits that the claims are not deficient, clearly identify a non-obvious distinction over the prior art, and clearly identify to one skilled in the art what is within the scope of the claims.

As discussed by Applicant's Attorney and Examiner Nguyen in April, 2003, by moving one or more devices in a tray having a long-dimension side and a short-dimension side from the first inspection station to the second inspection station in a direction perpendicular to the long-dimension side allows (but does not require) the stations to be placed closer together, which allows one to thus reduce the travel distance and tray-transfer time, as compared to a system that moved the trays in a direction parallel to the long-dimension side. If, whichever orientation the trays are in, the trays are moved ten inches from one station (e.g., inspection, flip, and inspection) to the next, it would not matter to the distance which direction the trays were moved, however, if the trays were 10 inches wide by 20 inches long, the stations would each need to spaced be 20 inches or more apart to move the trays parallel to the 20" long dimension, but could be placed as close as 10" apart if the trays are moved perpendicular to the long dimension. Applicant provided further detailed explanation of this in the prior Amendment and Response, which should not need to be repeated here. Accordingly, the claims appear to be in condition for allowance, and reconsideration and withdrawal of the rejection is respectfully requested.

§103 Rejection of the Claims

Claims 3-9, 12-21, 27-30, 40, 42 were rejected under 35 USC ' 103(a) as being unpatentable over Applicant's admitted prior art [discussed on pages 2-5 of the specification] in view of Jackson et al. (US 6,139,243) . Applicant respectfully traverses. Neither Jackson nor Applicant's discussion of the prior art provides any previous recognition of a need to move trays in the short direction rather than parallel to the long dimension of the tray. It is only with the teaching of the present disclosure that this improvement is provided. Applicant's specification has provided substantial and adequate teaching to provide one of skill in the art a full and complete understanding of the advantages of the claimed invention over the prior art. The prior art is not capable of such advantages. The Examiner's dismissal of tray orientation as a matter of design choice to one of skill in the art based on criteria such as space optimization is only possible after absorbing the teaching of the present application. It is only with Applicant's teaching that any such problem and solution is provided. Applicant provided further detailed explanation of this in the prior Amendment and Response, which should not need to be repeated here. Accordingly, the claims appear to be in condition for allowance, and reconsideration and withdrawal of the rejection is respectfully requested.

Because claim 40 appears in condition for allowance, it provides a generic claim linking the species of claims 41 and 42, and thus to the species of claims 22-25, 31-36. Accordingly, the claims appear to be in condition for allowance, and reconsideration and withdrawal of the rejection is respectfully requested.

Claims 10 and 37-39 were rejected under 35 USC § 103(a) as being unpatentable over Applicant's admitted prior art [discussed on pages 2-5 of the specification] in view of Bilodeau (5391810). Applicant respectfully traverses. Neither Bilodeau nor Applicant's discussion of the prior art provides any previous recognition of a need to move trays in the short direction rather than parallel to the long dimension of the tray. It is only with the teaching of the present disclosure that this improvement is provided. The Examiner has failed to provide any reference that moves trays in the short direction rather than parallel to the long dimension of the tray.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 952-278-3501 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 502931.


Respectfully submitted,

ARYE MALEK ET AL.

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Date 10 Sept 2004

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10th day of September, 2004.

Charles A. Lemaire

Name


Signature